



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2501040 / 3003183

Applicant Name: Steve McDonald, Mithun Architects for Schnitzer Northwest

Address of Proposal: 530 Broadway

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a five and six story building with 7,765 square feet of retail commercial use at ground level and 141 residential units above. Parking for 166 vehicles to be provided in a below-grade garage within the structure.

The following Master Use Permit components are required:

Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:

1. Open Space Quantity – To reduce the open space requirement (SMC 23.47.024)
2. Open Space Dimensions – To reduce the open space dimensions that satisfy code (SMC 23.47.024)
3. Sight Triangles – To eliminate sight triangle requirement (SMC 23.54.030.G)
4. Structural Building Overhang – To exceed width of structural building overhang (SMC 23.53.035)
5. Driveway Width – To reduce width of driveway (SMC 23.54.030)

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION:

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions*

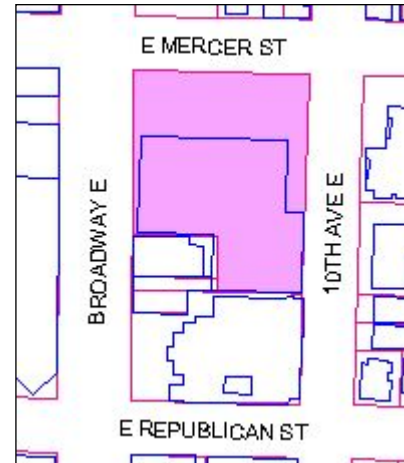
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Notice of early DNS was published February 2, 2006.

BACKGROUND DATA

Site Description

The subject site is located on a corner, through lot defined by Broadway to the west, Mercer Street to the north and 10th Avenue to the east. There is no alley access to the site. The 39,500 sf site contains currently one single story structure consisting of approximately 23,000 sf of vacant retail space with related surface parking/loading areas. The site slopes approximately eight feet from west to east. The western half of the site is zoned NC3-40 and can be increased to 65 feet provided that portions of the structure above 40 feet contain only residential uses. The eastern half of the site is zoned NC3/R-40. The site lies within a Pedestrian (P1) zone, as well as the Capitol Hill Urban Village Commercial Zone Overlay and a Light Rail Station Overlay.



Vicinity

The subject site is located in the Capitol Hill neighborhood on the east side of Broadway. Adjacent uses consist of retail and a church to the south and parking, single level retail and three-story housing to the north. To the west, across Broadway, is single level retail and to the east is four-story multi-family structure. Directly adjacent to the site along 10th is a bus layover space and bus shelter.

The uses along Broadway are predominantly retail. The buildings are single level with facades coming directly to the property line with little or no modulation. Broadway is pedestrian oriented with few gaps for ground level parking and few open spaces. To the north and west are 2-4 level residential structures in L-3 zoning. Most facades come within 10' of the property line and step back from there with little modulation. The site is well served by transit.

Proposal

The proposal includes demolition of the existing buildings and the construction of a new mixed-use building. The new structure would include approximately 141 units of residential with underground parking and 7,765 sf of retail. Due to the split zoning of the site, the western half of the structure would be six stories in height, while the other half would be four stories. Access to the site would be from Mercer Street.

Public Comments

Approximately 15 members of the public attended the Early Design Guidance meeting held on October 5, 2005. Public comment and clarifying questions focused on the following issues:

- Desire for the building to appear as a mixed-use building where one can immediately identify the commercial tenant;

- Encourage pursuing a commercial tenant that provides services not yet offered along Broadway;
- Encourage finding and working with a commercial tenant(s) early on in the design process so that the commercial space can meet appropriate specifications;
- Discourage stepping back the commercial level along Broadway – the forced intimacy of this street is one of the reasons Broadway is vibrant;
- Support proposed scheme #3, but would avoid the upper level setbacks on Broadway;
- Encourage design to include interesting modulation and fun elements;
- Support proposed scheme #3 that breaks up the façade on 10th Avenue and provides vehicular access off of Mercer Street;
- Prefer vehicular access from Mercer Street;
- Hope that the residential entrance off of 10th Avenue (scheme #3) will vastly improve upon the existing blank wall that attracts graffiti and crime;
- Support the proposed ground related units, especially the loft spaces;
- Encourage maximizing open spaces along Mercer and 10th as most beneficial to community;
- Suggest that the retail along Broadway include plenty of transparency and operable windows;
- Clarification of the number of retail spaces [at least two, bisected by secondary residential entry] and encourage smaller, less expensive retail spaces;
- Encourage designing the garden courtyard and 10th Avenue entry so that views through to the courtyard are visible from the sidewalk. Also suggest opening courtyard through to Broadway to allow retail spaces to spill into the courtyard;
- Encourage rooftop open space that can be private for tenants;
- Clarification whether units will be apartments or condos [unknown at this point];
- Warn that the ‘sky bridge’ element over the residential entry in Option C can be either very cool or very clunky depending on how it is treated;
- Question whether the #60 Metro bus layover stop will continue to be located in its current location on 10th Avenue or will be relocated;
- Clarification of the anticipated construction time [16-18 months];
- Concern with the narrowness of the courtyard with closed off views and limited solar access;
- Pleased to see housing uses return to this site;
- Note that views of Mount Rainier will be visible from the rooftop;
- Feel that the courtyard dimensions should be more generous; and
- Note that the community is interested in innovative materials and designs.

Approximately seven members of the public attended the Final Recommendation meeting held on March 1, 2006. The following comments were offered:

- Suggest that the south elevation is too blank and wanted to understand why more windows were not included along this façade.
- Support the embedded lights within the glass balconies.
- Enthusiastic about proposed design and proposed LED lights, but concerned about long-term maintenance.
- Concerned that decks are expensive and can pose potential water damage.
- Clarify the number and size of units.
- Clarify width of courtyard.

- Request for reduced open space is excessive and more open space makes for better living spaces.
- Like commercial canopy over the retail spaces, but questions whether the 14-foot height is too high to keep sidewalk/pedestrians dry.
- Discouraged that no gesture or reference is made to the church in terms of scale or ornamentation.
- Although the materials change along Mercer and 10th, the scale is too large.
- Pleased with the building design and what it contributes to Broadway.
- Prefers reduced open space that meets dimensions standards in exchange for more open space around site perimeter.
- Clarify number of parking stalls.

The SEPA comment period for this proposal ended on February 15, 2006. Eight comment letters were received focusing on the following issues:

- Request to be listed as a Party of Record;
- Pleased that site will be redeveloped;
- Object to changing the zoning along Broadway [Staff note: this proposal does not involve a change to the zoning]; and
- Concerned with the size and scale of the proposed building, especially given previous changes to zoning along Broadway.

ANALYSIS - DESIGN REVIEW

Design Guidance

Three schemes were presented at the Early Design Guidance meeting. All of the options include below grade parking (with approximately 150 stalls) and ground level retail along the Broadway side. The first scheme (Option A) proposes a rectangular-shaped building with a courtyard in the center. The eastern and western sides are both double-loaded corridors and the northern portion of the building is a single loaded corridor. The southern portion of the building would extend from 10th Avenue and seal off the southern wall of the courtyard. Vehicular access would be from 10th Avenue and the main residential entry would be taken from Broadway. This alternative includes 91% lot coverage above the ground level.

The second alternative (Option B) proposes a U-shaped building, with the central rectangular courtyard open to the south. The northern and eastern facades are set back at the ground level from the streets to allow for stoop areas. Both the main residential entry and vehicular access would be from 10th Avenue. This alternative includes 73% lot coverage above the ground level.

The third and preferred scheme (Option C) is a combination of A and B with a building that wraps around a central rectangular courtyard and is broken into three parts: a rectangular building fronting on to Broadway, and L-shaped piece along Mercer Street turning the corner onto 10th Avenue and an irregular corner piece that fronts 10th Avenue and closes off the southern edge of the courtyard. The two buildings on 10th Avenue would be separated by a combined

courtyard and residential entrance. Vehicular access would be from Mercer Street. Both the Mercer Street and 10th Avenue facades are set back to allow for stoop spaces for the ground level residential and/or live/work units. This alternative includes 71% lot coverage above the ground level.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. Additionally, consultation with the *Pike/Pine Neighborhood Community Design Guidelines* allowed the Board to provide further elaboration on these guidelines identified as highest priority. The Board also consulted with the recently adopted neighborhood specific guidelines *Capitol Hill Neighborhood Design Guidelines*.

The Design Review Board reviewed the final project design on March 1, 2006, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The design presented has evolved since the first meeting to include a building façade along Broadway with a strong commercial character that wraps onto Mercer Street and then transitions to a more residential scale and character and wraps onto 10th Avenue. The commercial uses are located on Broadway and the corner of Mercer Street and stop where the driveway intersects the building. The Board generally agreed that this is an exceptional project that has responded appropriately to the guidance offered at the earlier meeting and developed a design that is reflective of the surrounding context and neighborhood character. They were particularly supportive of the set back stoop areas of the row house like units along the 10th Avenue and Mercer Street. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

A. Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Capitol Hill-specific supplemental guidance:

- **Retain or increase the width of sidewalks.**
- **Provide street trees with tree grates or in planter strips, using appropriate species to provide summer shade, winter light and year-round visual interest.**
- **Vehicle entrances to buildings should not dominate the streetscape.**
- **Orient townhouse structures to provide pedestrian entrances to the sidewalk.**
- **For buildings that span a block and "front" on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments to complement the established streetscape character.**
- **New development in commercial zones should be sensitive to neighboring residential zones. While a design with a commercial character is appropriate along Broadway, compatibility with residential character should be emphasized along the other streets.**

A-4 Human Activity. New development should be sited and designed to encourage human activity along the street.

Capitol Hill-specific supplemental guidance:

- Provide for sidewalk retail opportunities and connections by allowing for the opening of the storefront to the street.
- Provide for outdoor eating and drinking opportunities on the sidewalk by allowing for the opening the restaurant or café windows to the sidewalk and installing outdoor seating while maintaining pedestrian flow.
- Install clear glass windows along the sidewalk to provide visual access into the retail or dining activities that occurs inside. Do not block views into the interior spaces with the backs of shelving units or with posters.

A-6 Transition Between Residence & Street. The space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board agreed that the design and building program should encourage pedestrian activity. The commercial spaces should utilize transparent windows and overhead weather protection and other details that encourage pedestrian traffic to, from and around the site.

Although the Board originally proposed that the design consider exploring setting back the building footprint of the west façade, upon hearing from the public, the Board was inclined to agree that the project should provide a continuous façade at the property line along Broadway in order to reinforce and contribute to a vibrant street life particular to Broadway.

The Board was very supportive of the proposed setback between the sidewalk and the proposed building footprint along Mercer Street and 10th Avenue. The space at the sidewalk level should be interactive, but also protect the privacy of the ground level residential and live/work tenants.

At the Recommendation meeting, the Board indicated strong support for the proposed stoop configuration along Mercer Street and 10th Avenue. The stoop spaces are elevated by three steps from the sidewalk and separated by a planter wall, a low railing and a low hedge on the sidewalk side.

The building elevation along 10th Avenue is a four-story expression that is slightly setback from the sidewalk and expressed with a brick veneer.

The Board did suggest that the sidewalk seating on mercer Street is situated in the shade and should perhaps wrap onto Broadway.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

Capitol Hill-specific supplemental guidance:

- **Preserve and enhance the pedestrian environment in residential and commercial areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.**

The Board unanimously agreed that taking vehicular access from Mercer Street was preferred and would help reduce the amount of traffic circulating through 10th Avenue - a more residential street.

At the Recommendation meeting, the Board discussed the relationship of the driveway with the sidewalk and abutting ground level residential units. The Board expressed concern that vehicles exiting the driveway would block the sidewalk and therefore suggested that perhaps the garage door opening be set further back from the property line to allow space for one car to queue. The Board supported narrowing the driveway and lowering the evergreen shrub and buffer plantings so that views of pedestrians are more visible. The Board also recommended installing a beeper or audible warning device at the garage door.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board noted that this site includes two corners with very different characters, the northwest corner is commercial and the northeast corner is residential. Given this context, the Board expects that the design will recognize this character change and integrate this transition of uses into the building design, materials, details and massing. The Board also noted that the commercial use should be wrapped around the northeast corner to Mercer Street.

At the Recommendation meeting, the Board was pleased with the large, two-story, open frame at the commercial level along Broadway. This design allows tall windows and storefront giving the street a strong commercial presence. Responding to the Board's guidance, the design transitions the building to a more residential character on 10th Avenue by changing the materials to brick, lowering the scale and incorporating townhouse scaled units at the ground level.

The Board agreed that the treatment of the Broadway and Mercer corner as a vertical glass feature that stands distinct from the concrete framed bays on either side.

B. Height, Bulk, and Scale

- B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.**

Broadway-specific supplemental guidance:

- **Help maintain and enhance the character of Broadway by designing new buildings to reflect the scale of existing buildings.**
- **Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials.**
- **The pedestrian orientation of Broadway should be strengthened by designing to accommodate the presence or appearance of small store fronts that meet the sidewalk and where possible provide for an ample sidewalk**

The Board supported a design that maximizes the potential development allowed by the underlying zone. However, the Board stated that the design and massing of the east façade should make a good transition in height, bulk and scale to the lower scale of the abutting Lowrise zone. Since the zoning builds in the sensitivity to the residential uses to the east, the design should adhere to the built-in transition from high intensity commercial uses on Broadway to the quieter residential uses of 10th Avenue. Techniques such as setting back from the eastern property line should be a priority in designing the configuration of the building masses and architectural features.

At the Recommendation meeting, the Board reviewed the solar access study and agreed that solar exposure to the interior courtyard from the south will be minimally impacted by the proposed massing along the south end of the site.

C. Architectural Elements

C-2 Architectural Concept and Consistency.

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**
- **Buildings should exhibit form and features identifying the functions within the building.**

Capitol Hill-specific supplemental guidance:

- **Incorporate signage that is consistent with the existing or intended character of the building and the neighborhood.**
- **Solid canopies or fabric awnings over the sidewalk are preferred.**
- **Avoid using vinyl awnings that also serve as big, illuminated signs.**
- **Use materials and design that is compatible with the structures in the vicinity if those represent the desired neighborhood character.**
-

The proposed design concept should strive for a bold, whimsical design that is reflective of the varied and creative community. The Board looks forward to seeing a cohesive architectural design that reflects the Broadway community.

The Board agreed that the proposed sky bridge element over the principal residential entrance should be light and transparent and maximize opportunities for views from 10th Avenue through to the courtyard and even to Broadway beyond.

At the Recommendation meeting, the Board discussed at length the proposed LED lights embedded in the glass railing of the decks along Broadway and the western half of Mercer Street. The tiny lights can be embedded in a variety of patterns and spacing and are available in white or colored tones. The design intent is to create a sparkling effect during the evening. The Board members disagreed upon the issue of the embedded lights in the railings. Some concern was expressed that the lights would set a poor precedent for lighting of buildings. Others were excited by the concept and agreed that it added the whimsical touch they had recommended and was suitable to the Broadway character. The long term maintenance of this LED system was discussed and decided that in the eventuality the lights burn out, the result is not problematic since the bulb element is so tiny, it is not apparent in the glass, except as a tiny fritted mark. The lights cannot be individually controlled. The concept design described white lights that are set approximately one-foot apart in a grid formation in the glass. The Board members who agreed that the proposed concept was intriguing and added an energetic, yet discreet element to the building prevailed. All of the Board members agreed that the concept should be integrated into the overhead weather protection.

The Board liked the openness and transparency of the skybridge element over the residential entryway.

The Board did note that the building projection proposed at the upper middle level on Broadway seems like it should extend to the base and announce something at the ground level, such as a main entry point. This creates slight confusion because nothing is specifically programmed for this location. The Board encouraged a review of the design to configure a main access area at the base of the vertical module defined by the landscape feature.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

Capitol Hill-specific supplemental guidance:

- **Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.**
- **Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian-scaled awnings; architectural detailing on the first floor; and detailing at the roof line.**

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Capitol Hill-specific supplemental guidance:

- **Provide operable windows, especially on storefronts.**
- **Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.**

- **The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.**

The Board looks forward to reviewing a more detailed material and color board that is reflective of and responsive to the imaginative and funky character of Broadway.

At the Recommendation meeting, the Board strongly supported the proposed material palette of a concrete frame in a pre-cast terra cotta color that is horizontally articulated along Broadway and red brick veneer on 10th Avenue. Dark gray metal panels are proposed between the windows and dark gray metal siding at the uppermost level at the Mercer elevation. The storefront windows are aluminum and include operable sections that can be opened onto the sidewalk. The balconies and railing at the ground level are iron. The decks railings are glass with embedded LED lights available in several colors and spacing patterns.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. While the Board noted support for the location of the driveway off of Mercer Street, the Board questioned the proposed proximity of the driveway to the pedestrian entry corridor (shown abutting the driveway).

At the Recommendation meeting, the Board supported the driveway location off of Mercer Street, a direct response to guidance offered at the first meeting, and agreed that the evergreen shrub served as an appropriate buffer between the westernmost row house style unit and the driveway.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Capitol Hill-specific supplemental guidance:

- **Provide entryways that link the building to the surrounding landscape.**
- **Create open spaces at street level that link to the open space of the sidewalk.**
- **Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.**
- **Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where residential entries and lobbies on commercial streets are unavoidable, minimize their impact to the retail vitality commercial streetscape.**

The Board agreed that Option C is preferred, but emphasized that the residential courtyard should be widened and kept as transparent as possible. Views to this courtyard through the entry court should be maximized. The Board supported the integration of live/work units into the 10th Avenue and Mercer Street facades, providing transition to the residential neighborhood to the east.

The Board looks forward to reviewing a high-quality, well-programmed and well landscaped courtyard level open space design. The Board noted that the requested open space departure is considerable and the design must include elements that emphasize the quality and experience of the open spaces. For example, incorporation of operable windows and a well programmed, well-landscaped courtyard along with a well-designed hardscape along the right-of-way. The Board stressed that solar access should be maximized to the site.

At the Recommendation meeting, the Board was supportive of the signage concept plan that included blade signs below the overhead canopy and above the doors. The residential entrance is accessed through a portal-like space from 10th Avenue that is defined by an overhead glass bridge connecting the buildings and leads into an interior courtyard. A minor residential entry is located on Broadway at the southwestern corner of the site. This entry lacks prominence and should be further emphasized to establish its presence.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Neighboring Sites. Landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

The Board was very supportive of the central courtyard concept and encouraged the applicant to further erode the portion of the building that closes off of the southern end of the central courtyard to allow for greater solar exposure to the garden courtyard. The Board also recommended further exploring the provision of a private courtyard at the southwest corner. The Board looks forward to reviewing details of a well-programmed, detailed design for the range of open spaces integrated throughout the project.

At the Recommendation meeting, a landscape design was presented that falls within four zones: the commercial street level, the residential street level, the interior courtyard and the rooftop. Along Broadway and wrapping onto Mercer, the four existing street trees are Ash Flame, one of which will be replaced. The tile accent band will be restored and specialty paving is proposed at the corner. Along Mercer Street and 10th Avenue, the existing Linden trees will be maintained and one of them will be replaced. The character

of these streets is intended to convey a lush garden feel with each row house unit defined by an entry gate and stoop patio space. Between the sidewalk and the stoop is a solid hedge and a planter wall planted with evergreen plantings that will serve as a privacy screen and buffer. The interior courtyard is designed with Japanese Vine Maple and a variety of plantings including ferns, hostas and hydrangeas that will provide seasonal interest. The Maples are planted in a raised planter in an allee formation that defines the central walkway. The rooftop deck includes a trellis piece that extends to the roof ridge to encourage the landscaping to become a canopy over the Broadway elevation, lending an unusual hint of natural greenery above a concrete structure.

Design Review Departure Analysis

Five departures from the development standards were requested and recommended for approval: access, open space and sight triangle requirements.

Departure Table

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	BOARD ACTION
OPEN SPACE SMC 23.47.024	20%	10.6% with inclusion of open spaces providing less than the required minimum dimensions.	<ul style="list-style-type: none"> Recognize value of open spaces, such as stoops and set back portions of the building, and how this configuration better suits the neighborhood. Proximity of two parks in vicinity. 	Board voted unanimously in favor of departure request.
OPEN SPACE DIMENSIONS SMC 23.47.024	10' minimum dimension	6.5' - 7' wide	<ul style="list-style-type: none"> High quality building materials. High quality plantings and elements, such as railings. 	Board voted unanimously in favor of departure request.
SIGHT TRIANGLE SMC 23.54.030.G	Provide a sight triangle clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway.	No sight triangles. Use of other safety devices.	<ul style="list-style-type: none"> Use mirrors at points of entry and minimizing disruption of vehicle access on the pedestrian environment is critical. Building set back 7' from sidewalk. Evergreen planting between garage and unit to the east. 	Board voted unanimously in favor of departure request.
STRUCTURAL BUILDING OVERHANG SMC 23.53.035	15' wide with chamfered corners	38' wide with 90-degree corners	<ul style="list-style-type: none"> Proposed design is well-proportioned and cohesive; this feature helps to break up the west elevation without disrupting the rhythm. Projection only 2-ft deep, whereas Code allows 3-ft projection for balconies. 	Board voted unanimously in favor of departure request.
DRIVEWAY WIDTH SMC 23.54.030	22'	16'	<ul style="list-style-type: none"> Board advocated for departure request. Reduces width of curb cut and increases the planting bed that serves as a buffer to the residential unit. 	Board voted unanimously in favor of departure request.

- 1. OPEN SPACE (SMC 23.47.024):** The applicant proposes development standard departures to decrease the open space requirement from 20% to 10.6% of the residential gross floor area, as well to count open space towards this figure that does not meet the dimensional standards of the Code. The gesture of setting back the residential ground level units between six and seven feet creates an open space around two sides of the proposed building that will be well-landscaped and tightly programmed. This space does not meet the minimum

dimensions standards, but the Board agreed will be a significant benefit to the community and creates a strong residential design. (A-2, A-4, A-6) The interior courtyard is also heavily landscaped, while also serving as principal circulation route for residents. The roof deck is well-programmed with a variety of movable furniture, a barbeque, plantings and a roof trellis for vines to grow and project over the Broadway façade. (D-1, E-1, E-2)

The Board supported the proposed departure request for reduced open space due to the well-scaled building of high quality materials, as well as the quality and thoughtful program of the proposed landscaped and hardscape areas. (C-4, E-1, E-2) Inclusion of features, such as the operable windows, generous courtyard dimensions, set back stoop areas and views to the courtyard from the sidewalk are all desirable features of the proposed design. The Board agreed that the six to seven foot setback at the sidewalk edge is a strong urban design gesture that compliments the pedestrian environment, reinforces the residential neighborhood and helps scale the building in a manner that is sensitive to the zone transition. The Board voted unanimously in favor of the departure request.

2. **SIGHT TRIANGLE (SMC 23.54.030.G):** The applicant proposed a departure from the sight triangle development standard. The proposed design would eliminate the sight triangle and instead incorporate mirrors at the points of entry into the building.

The Board recommends approval of the departure request given that the pedestrian safety is enhanced with the installation of mirrors. (A-4, A-8, C-5) The Board also encouraged enhanced pedestrian safety with other visual cues such as special paving at the driveway location. Specifically, the Board noted that the driveway paving should be differentiated to further provide visual cues of the vehicle access. The Board voted unanimously in favor of the departure request with the following condition:

Recommended Board Conditions:

- 1) **The design should include driveway paving that is differentiated from the sidewalk.**
 - 2) **Safety features, including visual and/or audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations. All audio devices must be sensitive to the neighboring residential uses.**
3. **STRUCTURAL BUILDING OVERHANGS (SMC 23.53.035):** The applicant proposed a departure to increase the width of the deck overhang from 15 feet to 38 feet.

The Board voted unanimously in favor of the departure request. The projection is only two feet deep, whereas Code allows three foot projection for balconies. (Only the length of the projection does not meet Code). The Board agreed that the proposed design is well-proportioned and the feature in question helps to break up the west elevation without disrupting the rhythm. The Board voted unanimously in favor of the departure request. (C-2)

Recommended Board Conditions:

- 3) **The residential entrance along Broadway should be further emphasized with signage, color, materials or other elements that highlights its presence.**
4. **DRIVEWAY (SMC 23.54.030):** This departure request was suggested by the Board and was not originally requested by the applicant. The proposed reduction would revise the driveway width from the required 22 feet to 16 feet. The Board is supportive of the proposed departure in order to widen the landscaping buffer and minimize intrusion of the driveway cut across the sidewalk. (A-4, A-8, C-5) The Board cautioned, however, that the landscaping should be kept low to allow visibility between drivers and pedestrians. For these reasons, the Board voted unanimously in favor of the departure request.

Recommended Board Condition:

- 4) **The landscaping buffer between the driveway and the abutting unit to the east shall be widened and planted with low growing vegetation (under 24").**

Summary of Board's Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the March 1, 2006 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-6 and C-3:
 - a) the extensive right-of-way landscaping;
 - b) the building setback to accommodate the stoop units;
 - c) the transition of the building form and materials to reflect the distinct neighboring commercial and residential characters;
 - d) and the high quality building materials.
2. As described under Guideline A-10, the transparent glazing, signage glazed and solid commercial retail space located at the corner of Broadway and Mercer as presented at the Final Design Review meeting.
3. As described under Guideline A-8, the minimized driveway design presented at the Final Design Review meeting.
4. As described under Guidelines C-2 and C-4, the building materials, colors and LED lights presented at the Final Design Review meeting.

5. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines D-1, E-1 and E-2:
- a) the interior courtyard heavily landscaped with plants providing texture, color and seasonal variation;
 - b) street trees;
 - c) whimsical rooftop trellis feature;
 - d) stoop design and details;
 - e) the overhead weather protection; and
 - f) the Broadway accent paving band on the sidewalk.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Broadway, as well as Mercer Street and 10th Avenue, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity at this critical intersection and be compatible with the residential neighborhood to the east.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four members of the Capitol/First Hill Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to

the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-2, C-5 and D-1 and support the case in favor of granting departures from the sight triangle and driveway width standards.

1. The design should include driveway paving that is differentiated from the sidewalk.
2. The landscaping buffer between the driveway and the abutting unit to the east shall be widened and planted with low growing vegetation (under 24").
3. The residential entrance along Broadway should be further emphasized with signage, color, materials or other elements that highlights its presence.
4. Safety features, including visual and/or audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations. All audio devices must be sensitive to the neighboring residential uses.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 8, 2005. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 36,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none"> • 36,000 cubic yards of excavated materials.
2. Traffic	<ul style="list-style-type: none"> • Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	<ul style="list-style-type: none"> • Increased noise from construction activities.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 36,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 3,600 single-loaded truckloads to remove the estimated 36,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

2. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control

Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Environmental Element	Point of Discussion
1. Parking	• Increase in parking from proposed development.
2. Traffic	• Increase in traffic from proposed development.

Parking

A traffic study was submitted to DPD by The Transpo Group dated November 2005 evaluating the parking impacts of the proposed development. The 166 parking spaces provided by the proposed development are all located on-site. The parking spaces are distributed between two levels of below grade parking. Both levels are accessed via a two driveway off of Mercer Street.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment and Shopping Center (retail) were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE Peak hour	Total Spaces per ITE	SMC Required	Proposed
Proposed	Mid Rise Apartment (ITE 221)	Multifamily Residential	141 units	141	147	141	166
Proposed	Shopping Center (ITE 820)	Multi-purpose Convenience Store	7,765 SF	6			

According to the ITE report, the 7,765 square feet of commercial uses associated with the proposed project would require approximately six parking spaces during the peak hour likely to occur during the p.m. peak hours. The 141 proposed residential units would require approximately 141 spaces during the peak hours likely between late evening and early morning. The proposed development will provide 166 parking spaces. The amount of parking provided exceeds the anticipated demand during peak hours. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by The Transpo Group dated November 2005 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the *ITE Trip Generation Manual*. For the proposed development, trip generation rates associated with Mid Rise Apartment and Specialty Retail were used. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
Proposed	Mid Rise Apartment (ITE 223)	Multifamily Residential	(Unit Count) 141	56	63
Proposed	Specialty Retail (ITE 814)	Commercial Retail	(Per 1,000 SF) 7,765	7	

Using the ITE data, there will be approximately 63 additional trips in the PM peak hour associated with the proposed combination of uses. This figure does not factor in the existing building/uses currently located on the site. All of the intersections studied currently operate at a Level of Service A and suggest unused capacity at these intersections. Even with the additional 63 trips generated by the proposed development, these intersections are expected to continue to operate at Level of Service A during the weekday p.m. peak hours. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services Broadway and the Capitol Hill neighborhood and provides direct connections to downtown Seattle. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – SEPA

During Construction

The owner applicant/responsible party shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.
2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (Non-Appealable)

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

Prior to Building Permit Issuance

4. The design should include driveway paving that is differentiated from the sidewalk.

5. The landscaping buffer between the driveway and the abutting unit to the east shall be widened and planted with low growing vegetation (under 24"). Note that plan sheet L1.00 shall be revised to reflect this revision.
6. The residential entrance along Broadway should be further emphasized with signage, color, materials or other elements that highlights its presence.
7. Safety features, including visual and/or audio devices to warn drivers and pedestrians of traffic entering/exiting the garage shall be included on the plans/elevations. All audio devices must be sensitive to the neighboring residential uses.

Prior to Pre-Construction Conference

8. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #4-7 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

9. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
10. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
11. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
12. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

13. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file)
Lisa Rutzick, Land Use Planner
Department of Planning and Development

Date: May 25, 2006